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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R.

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and an Act to provide for reconciliation pursuant to title II of H. Con. Res. 14 (Public Law 119–21) to provide certain benefits to noncitizens, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

M\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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# A BILL

To amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and an Act to provide for reconciliation pursuant to title II of H. Con. Res. 14 (Public Law 119–21) to provide certain benefits to noncitizens, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lifting Immigrant  
5 Families Through Benefits Access Restoration Act” or the  
6 “LIFT the BAR Act”.

1 **SEC. 2. AVAILABILITY OF BASIC ASSISTANCE TO LAWFULLY**  
2 **PRESENT NONCITIZENS.**

3 (a) **ELIMINATION OF ARBITRARY ELIGIBILITY RE-**  
4 **STRICTIONS.—**

5 (1) **PRWORA REPEALS.—**Sections 402, 403,  
6 411, 412, 421, and 422 of the Personal Responsi-  
7 bility and Work Opportunity Reconciliation Act of  
8 1996 (8 U.S.C. 1612, 1613, 1621, 1622, 1631, and  
9 1632) are repealed.

10 (2) **PUBLIC LAW 119–21 REPEALS.—**

11 (A) **SNAP ELIGIBILITY.—**Section 10108 of  
12 an Act to provide for reconciliation pursuant to  
13 title II of H. Con. Res. 14 (Public Law 119–  
14 21) is repealed and the provision of law amend-  
15 ed by such section is restored as if such section  
16 had never been enacted.

17 (B) **MEDICAID AND CHIP ELIGIBILITY.—**  
18 Section 71109 of an Act to provide for rec-  
19 onciliation pursuant to title II of H. Con. Res.  
20 14 (Public Law 119–21) is repealed, the provi-  
21 sions of law amended by such section are re-  
22 stored as if such section had never been en-  
23 acted, and the unobligated balances of amounts  
24 appropriated or otherwise made available by  
25 section are rescinded.

1 (C) LIMITING MEDICARE ELIGIBILITY COV-  
2 ERAGE OF CERTAIN INDIVIDUALS.—Section  
3 71201 of an Act to provide for reconciliation  
4 pursuant to title II of H. Con. Res. 14 (Public  
5 Law 119–21) and section 1899C of title XVIII  
6 of the Social Security Act (42 U.S.C.  
7 1395mmm), as added by such section 71201,  
8 are repealed.

9 (b) NOTIFICATION AND INFORMATION REPORTING.—  
10 Section 404 of the Personal Responsibility and Work Op-  
11 portunity Reconciliation Act of 1996 (8 U.S.C. 1614) is  
12 amended by striking “, 402, or 403”.

13 (c) QUALIFIED NONCITIZENS.—Title IV of the Per-  
14 sonal Responsibility and Work Opportunity Reconciliation  
15 Act of 1996 (8 U.S.C. 1601 et seq.) is amended—

16 (1) in the header, by striking “**ALIENS**” and  
17 inserting “**NONCITIZENS**”;

18 (2) by striking “alien” each place it appears  
19 and inserting “noncitizen”;

20 (3) by striking “aliens” each place it appears  
21 and inserting “noncitizens”;

22 (4) by striking “alien’s” each place it appears  
23 and inserting “noncitizen’s”;

24 (5) by striking “an alien” each place that it ap-  
25 pears and inserting “a noncitizen”;

1 (6) by striking “alien” each place that it ap-  
2 pears and inserting “noncitizen”;

3 (7) by striking “qualified alien” each place that  
4 it appears and inserting “qualified noncitizen”;

5 (8) by striking “qualified aliens” each place  
6 that it appears and inserting “qualified noncitizens”;

7 (9) by striking “qualified alien’s” each place  
8 that it appears and inserting “qualified nonciti-  
9 zen’s”;

10 (10) in section 402—

11 (A) in the header, by striking “**QUALI-**  
12 **FIED ALIENS**” and inserting “**QUALIFIED**  
13 **NONCITIZENS**”; and

14 (B) in subsection (a)(2)(L), by striking  
15 “**QUALIFIED ALIENS**” and inserting “**QUALI-**  
16 **FIED NONCITIZENS**”;

17 (11) in section 403, in the header, by striking  
18 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**  
19 **NONCITIZENS**”;

20 (12) in section 411, in the header, by striking  
21 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**  
22 **NONCITIZENS**”; and

23 (13) in section 412, in the header, by striking  
24 “**QUALIFIED ALIENS**” and inserting “**QUALIFIED**  
25 **NONCITIZENS**”.

1 (d) ACCESS TO BASIC SERVICES FOR LAWFULLY RE-  
2 SIDING NONCITIZENS.—Section 431 of the Personal Re-  
3 sponsibility and Work Opportunity Reconciliation Act of  
4 1996 (8 U.S.C. 1641) is amended—

5 (1) in subsection (b)—

6 (A) in the header, by striking “QUALIFIED  
7 ALIEN” and inserting “QUALIFIED NONCITIZEN”;  
8

9 (B) by striking “alien” and inserting “non-  
10 citizen”;

11 (C) by striking “an alien” and inserting “a  
12 noncitizen”; and

13 (D) by striking “benefit” and all that fol-  
14 lows through the period at the end of the sub-  
15 section and inserting “benefit, is lawfully  
16 present in the United States.”;

17 (2) in subsection (c)—

18 (A) in the header, by striking “QUALIFIED  
19 ALIENS” and inserting “QUALIFIED NONCITI-  
20 ZENS”;

21 (B) by striking “; or” at the end of para-  
22 graph (3) and inserting “;”;

23 (C) by striking the period at the end of  
24 paragraph (4) and inserting “; or”; and

25 (D) by inserting after paragraph (4):

1 “(5) a noncitizen—

2 “(A) in a category that was treated as law-  
3 fully present for purposes of section 1101 of the  
4 Patient Protection and Affordable Care Act of  
5 2010 (42 U.S.C. 18001) on or before January  
6 1, 2025;

7 “(B) who met the requirements of section  
8 402(a)(2)(D) of the Personal Responsibility and  
9 Work Opportunity Reconciliation Act of 1996  
10 (8 U.S.C. 1612(a)(2)(D)) on or before January  
11 1, 2025;

12 “(C) who is granted special immigrant ju-  
13 venile status as described by section  
14 101(a)(27)(J) of the Immigration and Nation-  
15 ality Act (8 U.S.C. 1101(a)(27)(J));

16 “(D) who has a pending, bona fide applica-  
17 tion for nonimmigrant status under section  
18 101(a)(15)(U) of the Immigration and Nation-  
19 ality Act (8 U.S.C. 1101(1)(15)(U));

20 “(E) who was granted relief under the De-  
21 ferred Action for Childhood Arrivals program;  
22 or

23 “(F) any other person who is not a citizen  
24 of the United States but who resides in a State  
25 or territory of the United States and is feder-

1           ally authorized to be present in the United  
2           States.”; and

3           (3) by adding at the end the following new sub-  
4           section:

5           “(d) NONCITIZEN.—For the purposes of this title, the  
6           term ‘noncitizen’ means any individual who is not a citizen  
7           of the United States.”.

8           (e) CHILD NUTRITION PROGRAMS.—Section 742 of  
9           the Personal Responsibility and Work Opportunity Rec-  
10          onciliation Act of 1996 (8 U.S.C. 1615) is amended—

11          (1) in subsection (a)—

12                 (A) in the header by striking “SCHOOL  
13                 LUNCH AND BREAKFAST PROGRAMS” and in-  
14                 serting “CHILD NUTRITION PROGRAMS”;

15                 (B) by striking “the school lunch pro-  
16                 gram” and inserting “any program”; and

17                 (C) by striking “the school breakfast pro-  
18                 gram under section 4 of the” and inserting  
19                 “any program under”; and

20          (2) in subsection (b)(1)—

21                 (A) by striking “Nothing in this Act shall  
22                 prohibit or require a State to provide to an in-  
23                 dividual who is not a citizen or a qualified alien,  
24                 as defined in section 431(b),” and inserting “A  
25                 State shall not deny”; and

1 (B) by striking “paragraph (2)” and in-  
2 serting “paragraph (2) on the basis of an indi-  
3 vidual’s citizenship or immigration status”.

4 (f) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-  
5 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—  
6 Section 1108(h) of the Social Security Act (42 U.S.C.  
7 1308(h)) is amended—

8 (1) by striking “Expenditures” and inserting:

9 “(1) Expenditures”; and

10 (2) by adding at the end the following new  
11 paragraph:

12 “(2) With respect to eligibility for benefits for  
13 the designated Federal program defined in para-  
14 graph (3)(C) (relating to the Medicaid program),  
15 paragraph (1) shall not apply to any individual who  
16 lawfully resides in 1 of the 50 States or the District  
17 of Columbia in accordance with the Compacts of  
18 Free Association between the Government of the  
19 United States and the Governments of the Fed-  
20 erated States of Micronesia, the Republic of the  
21 Marshall Islands, and the Republic of Palau and  
22 shall not apply, at the option of the Governor of  
23 Puerto Rico, the Virgin Islands, Guam, the North-  
24 ern Mariana Islands, or American Samoa as commu-  
25 nicated to the Secretary of Health and Human Serv-

1       ices in writing, to any individual who lawfully resides  
2       in the respective territory in accordance with such  
3       Compacts.”.

4       (g) CHILD HEALTH INSURANCE PROGRAM.—Section  
5       2107(e)(1) of the Social Security Act (42 U.S.C.  
6       1397gg(e)(1)) is amended—

7               (1) by striking subparagraph (O); and  
8               (2) by redesignating subparagraphs (P), (Q),  
9       (R), (S), (T), and (U) as subparagraphs (O), (P),  
10       (Q), (R), (S), and (T).

11       (h) CONFORMING AMENDMENTS.—

12               (1) SUPPLEMENTAL FOOD ASSISTANCE PRO-  
13       GRAM.—The Food and Nutrition Act of 2008 (7  
14       U.S.C. 2011 et seq.) is amended—

15               (A) in section 5—

16                       (i) by striking subsection (i); and  
17                       (ii) by redesignating subsections (j)  
18       through (n) as subsections (i) through (m),  
19       respectively;

20               (B) in section 6—

21                       (i) in subsection (f), by striking “an  
22       alien lawfully admitted for permanent” and  
23       all that follows through the end of the sub-  
24       section and inserting “a noncitizen lawfully  
25       present in the United States.”; and

1 (ii) in subsection (s)(2), by striking  
2 “(m), and (n)” and inserting “and (m)”;  
3 and  
4 (C) in section 11(e)(2)(B)(v)(II) by strik-  
5 ing “aliens” each place it appears and inserting  
6 “noncitizens”.

7 (2) MEDICAID.—Section 1903(v) of the Social  
8 Security Act (42 U.S.C. 1396b(v)) is amended—

9 (A) in paragraph (1), by striking “admit-  
10 ted for” and all that follows through the end of  
11 the paragraph and inserting “present in the  
12 United States.”; and

13 (B) striking paragraph (4).

14 (3) HOUSING ASSISTANCE.—Section 214(a) of  
15 the Housing and Community Development Act of  
16 1980 (42 U.S.C. 1436a(a)) is amended by—

17 (A) redesignating paragraphs (6) and (7)  
18 as paragraphs (7) and (8), respectively; and

19 (B) inserting after paragraph (5):

20 “(6) a qualified noncitizen as defined in section  
21 431 of the Personal Responsibility and Work Oppor-  
22 tunity Reconciliation Act of 1996 (8 U.S.C. 1641);”.

23 (4) GENERAL RULE ON NONCITIZENS’ ELIGI-  
24 BILITY.—Section 401 of the Personal Responsibility

1 and Work Opportunity Reconciliation Act of 1996 (8  
2 U.S.C. 1611) is amended—

3 (A) in the header—

4 (i) by striking “**QUALIFIED ALIENS**”  
5 and inserting “**QUALIFIED NONCITI-**  
6 **ZENS**”; and

7 (ii) by striking “**ALIENS**” and insert-  
8 ing “**NONCITIZENS**”; and

9 (B) by striking “alien” each place it ap-  
10 pears and inserting “noncitizen”.

11 (5) ASSISTANCE NOT TREATED AS DEBT AB-  
12 SENT FRAUD.—Section 213A(b)(1)(A) of the Immi-  
13 gration and Nationality Act is amended by striking  
14 “benefit,” and inserting “benefit by fraud,”.

15 (i) PRESERVING STATE FUNDING FOR MEDICAID.—  
16 Section 71110 of an Act to provide for reconciliation pur-  
17 suant to title II of H. Con. Res. 14 (Public Law 119–  
18 21) is repealed, the provision of law amended by such sec-  
19 tion is restored as if such section had never been enacted,  
20 and the unobligated balances of amounts appropriated or  
21 otherwise made available by section are rescinded.

22 (j) PREMIUM TAX CREDIT.—

23 (1) RESTORATION OF ALLOWANCE OF PREMIUM  
24 TAX CREDIT FOR CERTAIN INDIVIDUALS.—

1 (A) IN GENERAL.—Section 71301 of Pub-  
2 lic Law 119–21 is repealed, and each provision  
3 of law amended by such section is amended to  
4 read as such provision would read if such sec-  
5 tion had never been enacted.

6 (B) EFFECTIVE DATE.—Each amendment  
7 made by this paragraph shall take effect as if  
8 included in the provision of Public Law 119–21  
9 to which such amendment relates.

10 (2) RESTORATION OF ALLOWANCE OF PREMIUM  
11 TAX CREDIT DURING PERIODS OF MEDICAID INELI-  
12 GIBILITY DUE TO ALIEN STATUS.—

13 (A) IN GENERAL.—Section 36B(c)(1) of  
14 the Internal Revenue Code of 1986, as amended  
15 by section 71302 of Public Law 119–21, is  
16 amended by inserting after subparagraph (A)  
17 the following new subparagraph:

18 “(B) SPECIAL RULE FOR CERTAIN INDI-  
19 VIDUALS LAWFULLY PRESENT IN THE UNITED  
20 STATES.—If—

21 “(i) a taxpayer has a household in-  
22 come which is not greater than 100 per-  
23 cent of an amount equal to the poverty line  
24 for a family of the size involved,

1 “(ii) the taxpayer is a non-citizen law-  
2 fully present in the United States,

3 “(iii) the taxpayer is ineligible for  
4 minimum essential coverage under section  
5 5000A(f)(1)(A)(ii), and

6 “(iv) under the Medicaid eligibility  
7 criteria for non-citizens in effect on De-  
8 cember 26, 2020, the taxpayer would be  
9 ineligible for such minimum essential cov-  
10 erage by reason of the taxpayer’s immigra-  
11 tion status,

12 the taxpayer shall, for purposes of the credit  
13 under this section, be treated as an applicable  
14 taxpayer with a household income which is  
15 equal to 100 percent of the poverty line for a  
16 family of the size involved.”.

17 (B) EFFECTIVE DATE.—The amendment  
18 made by this paragraph shall apply to taxable  
19 years beginning after December 31, 2025.

20 (k) FEDERAL AGENCY GUIDANCE.—Not later than  
21 180 days after the date of the enactment of this Act, each  
22 Federal agency, as applicable, shall issue guidance with  
23 respect to implementing the amendments made by this  
24 Act.

1           (1) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the date of enactment of  
3 this Act and shall apply to services furnished on or after  
4 the date that is 180 days after the date on which any guid-  
5 ance is issued pursuant to subsection (k).